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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,764	07/21/1999	GUY NATHAN	871-63	9715

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EXAMINER	
HUYNH, SON P	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/357,764	NATHAN, GUY	
	Examiner	Art Unit	
	Son P Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 5, 2004 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 11-16 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

1. The information disclosure statement filed July 21, 1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that

portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

2. Applicant is required to provide a copy of the documents as indicated by a cross line in the IDS (paper No. 7) for consideration as to the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 11 –13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5,355,302) in view of Cohen (US 6,198,408), and further in view of Blahut et al. (US 5,663,756) and Wachob (US 5,046,093).

Regarding claim 11, Martin et al. teaches a jukebox system, comprising:
a plurality of jukebox devices 13, wherein each jukebox device includes a microprocessor 121, a storage device 93 for storing audiovisual information that can be reproduced by the jukebox device in response to user request, an audio system 129 for playing audio, a visual display 125 for displaying video, and a communication system 19

for enabling the jukebox to communicate through an audiovisual distribution network 15; a server (central management system 11) remote to the jukebox device 13 that provides services to the jukebox device 13, wherein the server and the jukebox can communicate with each other through the distribution network 15, a plurality of control devices 123 for the jukebox devices, respectively, each of the control devices 123 being operable to control one of the jukebox devices when the jukebox device recognizes a control code transmitted from the control device 123 (see figure 1, col. 5, line 41-col. 6, line 57). However, Martin et al. does not specifically disclose at least one jukebox is operable to store the control code for use in comparing the control code sent by the remote control with the control code stored on the jukebox to determine whether or not the jukebox will respond to control codes from the remote control; control code comprising an identification code; and the server controls, through communication with the jukebox via the distribution network, the type of action that results on the jukebox from operation of the remote control.

Cohen teaches converter device 100 is operable to store the control code for use in comparing the control code sent by a remote control transmitter with the control code stored on in memory 106 of converter device to determine whether or not the converter device will respond to control codes from the remote control transmitter (see figures 2, 3A, 3B and col. 1, line 50-col. 2, line 49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin to use the teaching as taught by Cohen in order to remotely control the jukebox and prevent

unauthorized user. However, neither Martin nor Cohen specifically discloses control code comprising identification code; and the server controls, through communication with the jukebox via the distribution network, the type of action that results on the jukebox from operation of the remote control.

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Blahut teaches control code comprising identification code (first bit code, which identifies the Remote Control Unit, is transmitted along with a bit code from the set of bit code – col. 1, lines 35-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin and Cohen to use the teaching as taught by Blahut in order to identify the user of RCU, therefore providing appropriate data to the user. However, none of these references specifically discloses the server controls, through communication with the jukebox via the distribution network, the type of action that results on the jukebox from operation of the remote control.

Wachob discloses the server (headend controller/central facility) controls, through communication with the jukebox (converter/descrambler 12) via the distribution network, the type of action that results on the jukebox from operation of the remote control (remote control 18 is programmed with the authorization data received from headend controller; remote control 18 cannot used to control the converter to output descrambled premium services if authorization data from headend is not stored in the remote control

18 – col. 3, line 3-col. 5, line 40; col. 6, lines 35-53; col. 7, line 15-col. 8, line 45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin, Cohen and Blahut to use the teaching as taught by Wachob in order to allow server to control operation at the receiver to prevent unauthorized user.

Regarding claim 12, Cohen further teaches each of the converter device include a learning mode that enables the control code to be obtained from the remote control and stored on the converter device 100 (see figures 2, 3A and col. 1, line 36-col. 2, line 7).

Regarding claim 13, Cohen further teaches the remote control transmitter is operable to activate and deactivate (on/off) the converter device 100 (see col. 2, lines 15-17).

Regarding claim 15, Cohen further teaches the learning mode as discussed in the rejection of claim 12. It is obvious that the learning mode is incorporated into an operating system of the television device in order to provide convenience for user to operate the system.

Regarding claim 16, Martin in view of Cohen and Blahut and Wachob teaches a device as discussed in the rejection of claim 11. Blahut further discloses the remote control device has a plurality of keys and operable to transmit a control code comprising an

identification code and at least one code of key that has been used (figure 1 and col. 1, lines 35-45).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5,355,302), Cohen (US 6,198,408) in view of Blahut (US 5,663,756), Wachob (US 5,046,093) as applied to claim 11 above, and further in view of Nathan (US 6,308,204).

Regarding claim 14, Martin and Cohen in view of Blahut and Wachob teaches a system as discussed in the rejection of claim 11. However, neither Martin nor Cohen nor Blahut nor Wachob teaches the remote control is operable to activate and deactivate a payment device on the jukebox device.

Nathan discloses fee payment device 35 is coupled to input control circuit 3 (figure 1). Nathan further discloses system command module allows execution of functions which command the system to accept a required input by an infrared remote control device.... the manager can control all the setting which are possible with remote control (col. 7, line 21-col. 8, line 28). Obviously, the remote control is operable to activate and deactivate a payment device on the jukebox device in order to provide more convenience to the manager. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin, Cohen, Blahut and

Wachob to use the teaching as taught by Nathan in order to remotely activate and deactivate the payment device thereby giving user more convenience.

6. Claims 11 –13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mino et al. (US 5,980,261) in view of Cohen (US 6,198,408).

Regarding claim 11, Mino discloses karaoke system comprises host apparatus 2 communicates with plurality of remote karaoke terminals 1 via communication network 3. Host apparatus 2 provides karaoke data to plurality of remote karaoke terminal apparatus 2 (figure 1). Each remote karaoke terminal comprises operation control 19 for receiving control signals from remote control 8 and operation panel 7; central processing unit 4 includes a microprocessor; hard disk drive 6 for storing karaoke data. display 15 for displaying video output, speaker 11 (figure 1). Thus, jukebox device is met by remote karaoke terminal apparatus 1, wherein microprocessor is met by CPU 4; storage device is met by HDD 6; audio system is met by devices 10-12; display device is met by CRT display 15, communication system is met by communication network 3; server is met by host apparatus 2; remote control device is met by remote control 8; Mino further discloses remote control 8 includes a remote control equipped with the terminal apparatus 1 and a personal remote control which belongs to each customer. The personal remote control is designed such that a unique ID code as a preamble code is included in the output signals such as signal using infrared radiation. When one customer is related to the ID code of the personal remote control of his/her own, the ID

code of the personal remote control is considered to be his/her customer ID. Therefore, a customer having a personal remote control selects the song he/she want to sing at a remote terminal apparatus 1, the CPU 4 or the operation control portion 19 of the terminal apparatus 1 recognizes the customer ID by analyzing the input signal of the remote control 8. The CPU determines if the customer ID is stored in memory of the terminal apparatus; if the customer ID does not exist in the terminal 1, the CPU accesses the host apparatus 2 to download the corresponding customer record from host apparatus and stored in terminal apparatus 1. The terminal apparatus then generates a message according to predetermined message generation rules (col. 4, line 48-63). Inherently, the control code (signal received from remote control 8) comprises an identification code (personal remote control ID) transmitted from the remote control, and the control code is compared with the control code stored in memory of terminal apparatus 8 to provide the requested data. Mino further discloses the customer record is stored in memory 2b of the host (figure 1). The terminal apparatus receives customer record from the host and stores the customer record. When a command is sent from the remote control 8 to request an operation of the terminal apparatus, the terminal apparatus compares ID code of the remote control (customer ID) with the code stored in customer record in terminal apparatus to recognize the customer (col. 4, line 16-col. 5, line 16). Thus, the server controls (by using customer record), through communication with the jukebox (terminal apparatus) via the distribution network (3), the type of action that results on the jukebox from operation of the remote control (if the ID code of the requested customer matches the ID code in customer record, displaying information

associated with the customer on the screen –col. 5, lines 2-40). However, Mino does not specifically disclose the terminal apparatus will not respond if the codes do not match.

Cohen discloses a device does not respond if code entered in Operation mode using the remote control and code stored during Learning mode do not match (col. 1, line 30-col. 2, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mimo to use the teaching as taught by Cohen in order to remotely control the jukebox and prevent unauthorized user.

Regarding claim 12, Cohen further teaches each of the converter device include a learning mode that enables the control code to be obtained from the remote control and stored on the converter device 100 (see figures 2, 3A and col. 1, line 36-col. 2, line 7).

Regarding claim 13, Cohen further teaches the remote control transmitter is operable to activate and deactivate (on/off) the converter device 100 (see col. 2, lines 15-17).

Regarding claim 15, Cohen further teaches the learning mode as discussed in the rejection of claim 12. It is obvious to one of ordinary skill in the art that the learning mode is incorporated into an operating system of the television device in order to provide convenience for user to operate the system.

Regarding claim 16, Mino in view of Cohen teaches a device as discussed in the rejection of claim 11. Neither Mino nor Cohen specifically discloses the remote control device has a plurality of keys. It would have been obvious to one of ordinary skill in the art that remote control has plurality of keys in order to use the remote control to perform multiple functions.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mino (US 5,980,261) in view of Cohen (US 6,198,408) as applied to claim 11 above, and further in view of Ogasawara (US 6,543,052).

Regarding claim 14, Mino in view of Cohen teaches a system as discussed in the rejection of claim 11. However, neither Mino nor Cohen specifically discloses the remote control is operable to activate and deactivate a payment device.

Ogasawara discloses set top box 10 is controlled by a remote control unit (col. 2, line 15+). Remote control unit 14 includes a keypad 30 for allowing input of keypad data to the STB 10, the keypad data comprises a power key, various numeric or alpha character keys, function keys (col. 4, line 13+). STB 10 includes an IC card interface 88 configured to read information from and write information to an IC or smart card. This IC card and IC card interface 88, in combination, provide a suitable means for authenticating an STB 10 as a valid receiver of particular TV services. The IC card can also provide secured payment method (credit card, prepaid electronic cash, etc. – col.

8, line 21+). Necessarily, the remote control is operable to activate and deactivate a payment device (IC interface 88) on the jukebox device (STB 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mino and Cohen to use the teaching as taught by Ogasawara in order to remotely control payment device.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mott et al. (US 6,170,060) teaches method and apparatus for targeting a digital information playback device.

Michaud (US 6,057,874) teaches infrared blaster control system in cable television communication systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
January 27, 2005

CHRIS GRANT
PRIMARY EXAMINER